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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,769	03/25/2004	Ron Smith	3428	9086

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PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE, ID 83701

EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,769

Applicant(s)

SMITH, RON

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,6,8,10-15,17 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15,17 and 22-25 is/are allowed.
- 6) ☒ Claim(s) 1,3,8,10 and 21 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is a non-final Office Action for application number 10/810,769 Foldable Book Holder, filed on 3/25/04. Claims 1, 3, 5, 6, 8, 10, 11-15, 17 and 21-25 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/22/05 has been entered.

Claim Objections

Claim 1 is objected to because of the following informalities:

Lines 8 to 9 recite "and to set-up position" which should be changed to "and to a set-up position".

Line 23 recites, "to said right side outer edges of said panel" and should be changed to "right side outer edge"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claims 1, 3, 8 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5941496 to Banner.

The patent to Banner discloses a reading stand having a panel (1,2) having a front surface, a rear surface and right and left side outer edges, a shelf (3, 4) connected to the panel and pivotal to a flat position parallel to the panel when the stand is in the flat collapsed configuration and to a set-up position at an angle to the front surface of the panel, wherein the shelf is adapted to support an object in the incline position, if so desired and right and left support members (21, 22 See Fig. 10) connected to the rear surface of the panel near the right and left side outer edges respectively to fold flat against the panel when the stand is in the flat collapsed configuration and to pivot away from each other to a vertical position when the stand is in the set-up configuration to extend rearward from the panel and diverge from each other to support the panel in an inclined position and wherein the front portions of the right and left support member extend underneath the shelf (See Fig. 9) to hold the shelf in the set-up position, and wherein the first pivot axis is at an angle ranging from 5 to 25 degrees relative to the right and left outer edges. Banner also discloses wherein the rear surface of the panel has recesses that receive the right and left support members respectively when the stand is in the flat collapsed configuration. Banner also discloses wherein the stand has a rectangular outer perimeter when in the flat collapsed position.

Claim Rejections - 35 USC § 103

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5941496 to Banner as applied to claim 1 above and further in view of United States Patent No. 4610416 to Choi.

Banner discloses the basic inventive concept with the exception that it does not teach a visual that is a reading light.

Choi discloses a foldable reading stand (10) having a panel (11) having a front surface, a rear surface and a right and left side edges, a shelf (26) connected to the panel (11) and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (21) pivotally attached near the right and left side edges and to the rear surface of the panel (11) by a support member hinge which is at an angle relative to a respective one of the right and left side edges of the panel and wherein the support members are vertical when in the operational configuration and a reading light (See Col. 1, lines 32-35), the reading light used to enhance the reading environment. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have attached a reading light to the device in order to enhance the reading environment.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 5, 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-15, 17 and 22-25 are allowed.

The reason is that the prior art does not teach wherein the shelf has a right and left groove/notch/hole.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.



Amy J. Sterling
10/6/05